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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,045	12/01/2003	John J. Ryan	GME/166/273	2961

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EXAMINER

CHAET, MARISSA W

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,045

Applicant(s)

RYAN, JOHN J.

Examiner

Marissa W. Chaet

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 18-22 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 18-22 is/are allowed.
- 6) ☒ Claim(s) 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 1-10, 18-22, and 25-27 in the reply filed on October 30, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 11-17 and 23-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 30, 2006.

Specification

Claim 25 is objected to because of the following informalities: on line 6, the word "heat" should be changed to "head". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowe (US 3,125,967).
2. Regarding claim 25, Bowe teaches a device for making cotton candy, comprising a rotatable spinner head, an energizable heater disposed in the spinner head, and an

apparatus for de-energizing the heater while the spinner head is rotating. See Figure; col. 1-2. Specifically, Bowe discloses a thermostatic switch that operates to de-energizing the heater without interrupting the operation of the motor. See col. 2, lines 3-15.

3. Regarding claim 26, Bowe teaches a heater that is cooled to below a temperature sufficient to melt sugar while the spinner head is rotating. See col. 1-2.

4. Regarding claim 27, Bowe teaches a heater that is cooled to below a temperature sufficient to burn sugar while the spinner head is rotating. See col. 1-2.

Allowable Subject Matter

Claims 1-10 and 18-22 are allowed. The following is an examiner's statement of reasons for allowance.

5. Regarding claims 1-10, Bowe (US 3,125,967) teaches a machine for spinning granular sugar into filaments comprising: (1) a rotatable shaft; (2) a spinner head mounted on said shaft; (3) a spinner head further comprising a heater element; (4) a motor for rotating said shaft when said motor is energized; and (5) a first switch having a first state for respectively energizing said heater element and said motor and a second state for respectively de-energizing said heater element and said motor. See Figure; col. 1-2. However, Bowe '967 does not disclose a delay circuit coupled with the first switch and motor, configured to detect when the first switch changes from a first state to a second state, thereby preventing the de-energizing of the motor for a predetermined time period.

A second reference, Bowe (US 3,203,365), teaches a switch that controls the heating element, such that if the motor is turned off, the heat is also cut off from the heating coils. Thus, the heaters cannot be on when the motor is not on. Furthermore, Bowe '365 teaches a timer switch mechanism, which turns the motor on and off and operates on a cycle of a 15 second duration. See Fig. 8; col. 2-3. However, Bowe '365 does not disclose a delay circuit coupled with the first switch and motor, configured to detect when the first switch changes from a first state to a second state, thereby preventing the de-energizing of the motor for a predetermined time period.

6. Regarding claims 18-22, Bowe '967 teaches a machine for spinning granular sugar into filaments comprising: (1) a spinner head; (2) a spinner head including heater means; (3) rotating means for the spinner head; (4) changing means for changing the heater means and the rotating means from a respective energized state to a de-energized state. However, Bowe '967 does not teach a delay means for preventing the changing means from de-energizing the rotating means for a predetermined time period after de-energizing the heater means.

A second reference, Bowe '365, teaches a switch that controls the heating element, such that if the motor is turned off, the heat is also cut off from the heating coils. Thus, the heaters cannot be on when the motor is not on. Furthermore, Bowe '365 teaches a timer switch mechanism, which turns the motor on and off and operates on a cycle of a 15 second duration. See Fig. 8; col. 2-3. However, Bowe '365 does not disclose a delay means for preventing the changing means from de-energizing the rotating means for a predetermined time period after de-energizing the heater means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa W. Chaet whose telephone number is 571-272-8094. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MWC
November 30, 2006



ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1900/700

11/30/06